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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,231	09/14/2001	David John Fisher		1861

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EXAMINER

D ADAMO, STEPHEN D

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,231

Applicant(s)

FISHER ET AL.

Examiner

Stephen D'Adamo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoven et al. (3,194,601) in view of Hock (6,095,603).

Hoven discloses an audience chair including at least one seat having a base (Figure 11) and a beam 14 supporting the seat and being connected to a surface behind and adjacent to the seat. The beam 14 has an upper portion "U" for receiving the base and a lower portion "L" for connecting to the support 10 (shown in previous action, paper #12, in an enlarged view of Figure 6). However, Hoven does not teach of a temporary connection means. Yet, Hock discloses a similar chair device including at least one seat having a base support 20 and a similar beam 10 supporting the seat 30. The beam 10 has an upper portion for receiving the base and a lower portion for connecting to the support 20. Furthermore, the connecting means, seen in Figures 2 and 3, temporarily connects the seat to the beam, as well as, allows the seat to move longitudinally along the beam. Hock also teaches of a longitudinal channel or slot 11 in the underside of the beam 10 for receiving a connector member 23 and bolt 24. The connector member 23 and 24 is connectable to the leg support 22. Moreover, Figure 3 discloses "toggle fasteners" or screws 352 and end bars 351 on positioning plate 35, which "fasten the end bars 351 and

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the base plate 34 together” (col.2, lines 62-63). Note in the online *Merriam-Webster Dictionary*, a toggle fastener is a “piece or device for holding or securing: b. a crosspiece attached to the end of or to a loop in something usually to prevent slipping, to serve in twisting or tightening, or to hold something attached.” It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the audience chair of Hoven with a different connection means including a U-shaped positioning plate 35 and a base plate 34, as taught by Hock, for providing a stably assembled, easily removable chair for purposes of cleaning or relocating. Note, the U-shaped bracket and base plate attached to the lateral rods 33 of Hock, shown in Figure 3, can easily be modified to fit on Hoven’s beam and back tubes 19 for replacing the welding connection. Regarding claims 31 and 32, and Hock (Figure 1) shows a plurality of individual seats, unconnected from one another, located along the beam; thus, each chair having the capability to alter positions along the beam, relative to the other seats.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoven et al. (3,194,601) in view of Hock (6,095,603) and in further view of Eames et al. (3,114,575).

Hoven discloses a similar seat with at least one seat, a base and a beam having a support with connecting means. Further, Hoven’s seating system includes a pivot for pivotally connecting the seat to the seat support. “The forward seat segment 30 is supported by the following structure: a pair of seat tubes 32,...a rearwardly extending plate 33,...a U-shaped strap 34,...a pivot rod 36” (col.2, lines 34-40). Hoven discloses, “the U-shaped strap 34 and the member 33 are apertured at 35 to receive a pivot rod 36.” However, neither Hoven nor Hock teaches of a pair of arms connected to the seat back and a

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reinforcing bar. Yet, Eames does teach of a pair of arms 46, each connected to the seat back 6 and reinforcing bars or frames 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arms on the audience chairs of Hoven with arms connected to the backrest, as taught by Eames, for a more secure or stable arm assembly.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoven et al. (3,194,601) in view of Hock (6,095,603) and in further view of Wilkie et al. (5,636,900).

Hoven discloses a similar seat with at least one seat, a base and a beam having a support with connecting means. However, neither Hoven nor Hock teaches of an extended back member. Yet, Wilkie teaches of an extended back member, "optionally, the seating system may have a back extension releasably attached to the seat back" (Abstract, lines 11-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Hoven with an optional back extension, as taught by Wilkie, so "the seating system can be selectively enlarged or reduced to provide variable and substantial support to the specific areas of the user's anatomy" (col.2, lines 44-46).

Response to Arguments

2. Applicant's arguments with respect to claims 26-34 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1018.

SD

sd

November 5, 2003



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600